IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 6 of 2002 (M/B)

M/s Narendra & Company,
(A Sole Proprietorship Concern of Sh. Dinesh Jain),
59, Gandhi Road, Dehradun. …….. Petitioner

Versus

1. The Commissioner (Appeals),
   Customs and Central Excise,
   Ghaziabad.
2. The Dy. Commissioner,
   Customs and Central Excise,
   Dehradun Division, Dehradun.
3. The Additional Commissioner,
   Customs and Central Excise,
   Ghaziabad. ……. Respondents

Mr. Niranjan Bhatt, Advocate for the petitioner.
Mr. Arvind Vashishth, Assistant Solicitor General for the respondents.

JUDGMENT

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble Prafulla C. Pant, J.

RAJEEV GUPTA, C. J. (Oral)

Mr. Niranjan Bhatt, Advocate for the petitioner.

Mr. Arvind Vashishth, Assistant Solicitor General for the respondents.

They are heard.

2. The petitioner has filed this writ petition for the following reliefs:

> "a. To Issue a writ, order or direction in the nature of certiorari, quashing the orders of Respondent No. 2 dated 31.07.2001 for not detaining goods meant for supply to Ministry of Defence.
>
> b. To issue a writ, order or direction in the nature of Mandamus, commanding and directing Respondent No. 1, to pass orders on appeal / stay application, pending for adjudication before him.
>
> c. To issue a writ, order or direction in the nature of Mandamus, commanding and directing

Respondent No. 2 to act in accordance with Departmental Circular dated 2.6.98, which is binding on him.

d. To issue a writ, order or direction, which this Honorable Court may deem fit and proper in the circumstances of this case.

e. To Order costs to the Petitioners."

3. From the above-quoted relief (b), it is apparent that the petitioner, before the filing of the writ petition, had filed an appeal and the same was pending for hearing at the time of filing of the writ petition.

4. In our opinion, the petitioner cannot be permitted to pursue parallel proceedings.

5. The writ petition, therefore, is liable to be dismissed and is hereby dismissed.

6. Consequently, the interim order dated 09.01.2002 stands vacated automatically.

(Prafulla C. Pant, J.) 18.07.2006

(Rajeev Gupta, C. J.) 18.07.2006

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